

Exhibit A

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Subject: RE: Scheduling for motion for leave to file Second Amended Complaint

From: victoria@vkhall-law.com

Date: Thu, Nov 01, 2007 4:42 pm

To: Scott Jerger <scott@fieldjerger.com>

Scott,

I believe that my characterization of your position is correct. You told me that you did not object to either version of the proposed amended complaints. If you had objected to Version A, in which we added the cybersquatting claim, as being futile under Rule 15(a) and its case law, then I would have expected you to object to that version. As I see it, by not objecting to that version, you agree that it is not futile as compared with version B, without the cybersquatting claim.

The allegations are the exact same as to each version of the proposed complaints. So you should have no difficulty in starting work on an Answer right now. With the exception of the cybersquatting cause of action, you know exactly what you will respond to. We would encourage you to work on your Answer that we may continue this litigation in a timely fashion.

You mischaracterize my position in suggesting that I said you agreed that any motion for reconsideration or the motion for final judgment under Rule 54(b) should be granted. I never said any such thing in our motion for leave. The words of the motion clearly state that.

We believe that it is well within reason to seek permission of the court to file an amended complaint, and to the extent necessary, make that motion a motion for leave to file reconsideration and a motion for reconsideration, to add cybersquatting back in. How you can believe otherwise is a mystery to us, and we look forward to your explanation in your proposed Rule 11 motion. We have also accurately represented that you stated that you objected to our filing two proposed second amended complaints. If I had done so, they would have appeared as individual sets of filings as Docket 174 and Docket 175, instead of one motion for leave, that is permission, to file. We hope that you will step back, let yourself cool off, and let reason set in, before committing yourself to filing a Rule 11 motion.

I want to address this quote from your email: "[Your idea of setting a hearing date \(without conferring with me\) and then using that set date as a tool to negotiate shortened timelines for me to respond is unprofessional and ridiculous.](#)"

First, I would like to remind you that you set hearing dates for your anti-SLAPP motion and motion to dismiss without consulting with me, and that you initially set it to a very aggressive schedule. Second, I am not using my recommended scheduling as a "tool" as you suggest. I'm merely trying to work with you, Scott, to make this litigation go as smoothly as possible. At the August 2006 hearing, the judge made it clear that's what he wanted us to do. We've done our best to work with you.

Finally, I see no reason to change the judge's briefing schedule. As you know, I sent my email to you before the judge issued his order. I will re-notice the hearing to Jan. 11. However, I will file an administrative motion to move the settlement conference dates and the next CMC. You have made it clear that you oppose, and the administrative motion will reflect this.

Regards,

Victoria

----- Original Message -----

Subject: RE: Scheduling for motion for leave to file Second Amended Complaint

From: "Scott Jerger" <scott@fieldjerger.com>

Date: Thu, November 01, 2007 3:00 pm

To: <victoria@vkhall-law.com>

Dear Victoria:

[My position has never changed and I would appreciate it if you would stop mischaracterizing my position. My position is very simple. I do not object to the filing of a second amended complaint](#)

under FRCP 15. I do object to the filing of two different second amended complaints. You should be able see the practical problem there from my perspective-I can't respond to two different complaints. I need to know what I am responding to.

Regardless of the above, you have not filed a motion for leave to file an amended complaint. You have filed a second motion for reconsideration of the dismissal of the cybersquatting claim and a motion for final judgment under FRCP 54(b) as to the cybersquatting dismissal. You have never asked me for my position on these two motions and I have never stated a position on these motions as you acknowledge in your memo. Of course I plan to oppose these motions so I will not be filing a "non-opposition" statement. I am also planning on seeking sanctions against you and your client for violating LR 7-9(b). I will serve a copy of the sanctions motion on you pursuant to FRCP 11 and LR 7-8 tomorrow (most likely, perhaps Monday).

As for the briefing schedule on your motion, I intend to avail myself of all the time I am allowed under the LRs. Therefore, I do not agree with your schedule. I request that you move the January 4th hearing date to January 11th. I will timely file a response under the timelines set forth in the LRs. Your idea of setting a hearing date (without conferring with me) and then using that set date as a tool to negotiate shortened timelines for me to respond is unprofessional and ridiculous. If you don't reset the hearing date, I will file a motion with the judge explaining that I am unavailable and that you failed to confer with me on the hearing date.

As to the deadlines, I do not agree to extend any of the court ordered deadlines.

Regards,
Scott

From: victoria@vkhall-law.com [mailto:victoria@vkhall-law.com]
Sent: Thursday, November 01, 2007 12:27 PM
To: Scott Jerger
Subject: Scheduling for motion for leave to file Second Amended Complaint

Scott,

Thanks for your earlier email. Do I understand you correctly in that you, having consented to either second amended complaint, now are reversing course? I would think that you would file a non-opposition statement today or tomorrow and then let the judge decide what he wants to do.

I have noticed the hearing for Jan. 4, 2008, so that we can get this matter resolved as quickly as possible. I believe that once you file a statement of non-opposition (assuming that you do not oppose), the judge would issue an order soon afterward and then we can move forward with this litigation.

If you intend to oppose, then I suggest the following schedule:

Nov. 14: Opposition due.
Nov. 21: Reply due.
Jan. 11: Hearing date.

Move deadline for completing settlement conference to Feb. 15, 2008.
Move CMC to March 15, 2008.

The deadline to complete the settlement conference should be moved from mid-December to mid-February so that Judge Laporte has a second amended complaint in front of her, as well as Defendants' answer. Otherwise, there isn't very much to talk about on November 30.

The CMC should be moved to March 15, 2008 because there won't be much to discuss related to case management on Jan. 18, if there is no answer and the judge hasn't ruled, or has only just ruled, on Plaintiff's motion for leave to file the second amended complaint.

This is what I suggest. Of course, the judge may come back today or tomorrow with a ruling on Plaintiff's motion for leave, which would moot all of this. But in the meantime, let me know your position on this briefing schedule and proposed modification. If you agree (or do not object), then I will file a stipulation with an order.

Regards,

Victoria

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